

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 10-04511 WHA

ROY D. NEWPORT, *et al.*,

Plaintiffs/Counter-Defendants,

ORDER TO SHOW CAUSE

v.

BURGER KING CORPORATION,

Defendant/Counter-Claimant,

v.

ANTELOPE VALLEY RESTAURANTS, INC, *et al.*

Counter-Defendants.

Defendant Burger King Corporation gave notice of voluntary dismissal with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i) of counter-defendants Francisco Foods, Inc., Geoffrey A. Jones, Beatrice E. Kubu, Catherine A. Kubu, Stanley Kubu/Estate of Stanley Kubu, Susan Kubu-Jones, and Carol K. McManus (Dkt. No. 382). Rule 41(a)(1)(A)(i) states, “the plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” BKC is hereby **ORDERED TO SHOW CAUSE BY NOON ON DECEMBER 7, 2011**, why dismissal pursuant to Rule

41(a)(1)(A)(i) is appropriate given that the above-named counter-defendants have already filed an answer.

IT IS SO ORDERED.

Dated: December 5, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE